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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

VU, THONG H

ART UNIT PAPER NUMBER

2142

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/723,121

Applicant(s)

HASHA, RICHARD

Examiner

Thong H. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. Claims 1-4 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. § 103 as being unpatentable over Flenley et al [Flenley, 6,405,317 B1] in view of Phillips et al [Phillips, 6.151.637].

3. As per claim 1, Flenley discloses a data structure stored on a computer readable medium for a client tracking system, including:

a client tracking server object derived from a server class that provides an implementation of a query interface function [Flenley, the client object monitors the server master queue, col 4 lines 5-10]

However Flenley does not explicitly detail

overrides the query interface function of the server class that provides an implementation of query interface function that overriding the query interface function of the server class, wherein a (phantom) manager object is a data member of the client tracking server class.

In the same endeavor, Phillips discloses a universal transaction processing system wherein a TP monitor model provides an implementation of TP classes and overrides the abstract class interface [Phillips, col 20 lines 54-63]

Therefore, it would have been obvious to an ordinary skill in the art at the time of the invention was made to incorporate the technique of overriding the abstract class interface as taught by Phillips into the Flenley's apparatus in order to utilize the network tracking process. Doing so would allow an application programmer access to services and data residing in an existing TP monitor environment, without requiring the programmer to understand the TP monitor programming model.

4. As per claim 2, Flenley-Phillips disclose a data structure stored on a computer readable medium for a client tracking system, including :

A client tracking server object derived from a server class that provides an implementation of a query interface function [Flenley, the client object monitors the server master queue, col 4 lines 5-10] wherein if the query interface function invokes a second function according to convention [Fenley, second instance, col 9 lines 50-57], then the other function is overridden [Phillips, overrides the abstract class interface, col 20 lines 54-63].

5. As per claim 3, Flenley-Phillips disclose the phantom manager class of the phantom manager object inherits from a base phantom manager class that includes at least one of

- (1) a phantom going away function that is invoked by a phantom server object to notify the phantom manager object that the phantom server object is being destructed [Flenley, notify, col 12 lines 52-65],
- (2) a get object pointer function that returns a pointer to an embedding client tracking object, [Phillips, hide function behind the same name, col 2 lines 15-33]
- (3) a create function that is invoked by the query interface function of the client tracking server object to create a phantom server object [Flenley, objects are created, col 4 lines 4-32]
- (4) a get phantom count function that returns the number of phantom server objects currently managed by the phantom manager object [Flenley, Fig 1-2, col 11 line 55-col 12 line 18];
- (5) a create instance function that instantiates a phantom server object and that is invoked by the create function [Flenley, col 4 lines 4-32] and
- (6) an instance going away function that is invoked by the phantom going away function [Flenley, remove the complexities of functions, col 9 lines 24-40].

6. As per claim 4, Flenley-Phillips disclose the phantom manager class of the phantom manager object inherits from a base phantom manager class that includes at least one of (1) a my list pointer data member that provides a pointer to phantom server objects managed by the phantom manager object, (2) a my object pointer data member that provides a pointer to a client tracking server object in which the phantom manager object is embedded and (3) a my count data member that provides a count indicative of

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the number of phantom server objects managed by the phantom manager object as inherent features of manager objects [see Martel reference]

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 6:00AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Andrew Caldwell*, can be reached at (571) 272-3868. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thong Vu
Primary Examiner
Art Unit 2142

A handwritten signature in black ink, appearing to read 'Thong Vu', with a horizontal line underneath.